

## Handling complaints

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The partial re-opening of schools, as part of the slow relaxation of lockdown measures, does raise the prospect of new and existing complaints requiring attention from both senior leaders and governors or trustees. At the current time, the Department for Education (DfE) has not made amendments to the complaints legislation applicable to maintained schools and academies.

The DfE have, within their [governance update](#), provided a steer for schools in dealing with complaints.

In summary, their position is that there is no expectation on schools to deal with complaints within the parameters of their existing complaints policies at this time. It appears to be recognised by the DfE that the focus of schools needs to be around safely re-opening and providing education to a growing number of students.

Whilst the DfE's position of "no expectation" will clearly be a relief for schools, it does not prevent schools attempting to resolve complaints where it is possible to do so. In that respect, it would be good practice to:

- Communicate with the complainant and be clear about how and when responses in relation to the complaint will be made. It will be important to provide clarity that the timescales within the school's complaint policy may not be adhered to. Set realistic timescales for investigations to take place before a response can be provided. Communication about meetings being online or potentially delayed will also be useful.
- Consider the approach taken in respect of admission appeals and exclusion reviews in relation to remote hearings. Within those statutory frameworks, amended legislation has been introduced to provide the option of remote hearings instead of face to face meetings. A similar approach could be adopted by schools to deal with the complaint hearings which are a feature of most school complaint policies.

Clearly, the complainant's consent to the later approach would be central to moving the complaint forward in this manner. Communication should also make it clear that without the remote hearing, there could be a delay in holding the complaint hearing.

The complaint panel, with advice from the clerk, should then consider whether the complaint could be dealt with remotely. The panel should consider whether or not:

- all participants agree to the use of remote access;
- all participants have access to the technology which will allow them to hear and speak throughout the meeting, and to see and be seen, if a live video link is used;
- all participants will be able to put across their point of view or fulfil their function; and
- if the meeting can be held fairly and transparently via remote access.

Where there are concerns about any of these points, it would be better to delay the hearing until such time as a face to face meeting can take place. Communication about the outcome of the decision on the format of the hearing will need to take place with the complainant.

If you have received a complaint during the lockdown period and would like to discuss your options with one of our legal experts please [contact us](#).

## Contact



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